

# Southern California Fire Victim Compensation Guidelines (10-31-03)

The California Victim Compensation Program (VCP) may assist eligible victims who were injured, threatened with injury, or died as a direct result of one of the intentionally set blazes in Southern California. Emergency Awards may be granted only after it has been established that the fire was criminally set (see Penal Code citations on page 2).

## **Other Sources of Reimbursement**

By law, the VCP is the “payor of last resort.” This means that the VCP will not pay victims’ expenses that are payable from any other source (e.g., disaster assistance programs such as the Red Cross, FEMA, health insurance, homeowners insurance, etc.) until all other sources are exhausted.

The Red Cross is urging all wildfire victims to call the Red Cross Hotline at 1-866-GET-INFO for disaster assistance, shelter locations, information on affected areas and wildfire safety information. They may contact their local Red Cross chapter at [www.redcross.org/where/chapters.html](http://www.redcross.org/where/chapters.html)

The Federal Emergency Management Agency (FEMA) also can provide assistance to wildfire victims. 1-800-621-FEMA (3362) or TTY 1-800-462-7585.

Disaster Information Help line: 1-800-525-0321 TTY 1-800-660-8005.

## **Verification of Eligibility**

Information from fire and forestry agencies, law enforcement, or other officials is acceptable as evidence that a given fire was the result of arson. It is not necessary for each applicant to obtain a crime report.

## **Eligible Claims**

A claim is eligible if the victim is physically injured or dies as a direct result of a fire that was criminally set.

### **Threat of Physical Injury**

A claim also may be eligible if a victim is threatened with physical injury.

Regulation Section 649 (24) (B) states that threat of physical injury occurs when a reasonable person believes that the threat would be carried out and that physical injury would result if the threat were carried out.

In order to establish threat of physical injury for qualifying fire victims, the following would qualify:

- The victim was within the “burn area parameter” (further information to follow)
- The victim was evacuated because of the oncoming fire

The following will *not* be considered as qualifying for threat of physical injury:

- The victim had a clear path to safety and a reasonable amount of time to get to safety
- The victim saw the fire on television or heard about it through other media

If the situation is not clearly qualified or not qualified, consider the following elements:

*Proximity to the fire:* How close was the victim to the actual fire?

*Reason for being in the proximity of the fire:* For example, resided in area, worked in area.

*What efforts did they make to leave the area?*

*Were they instructed by Law Enforcement or other safety official to evacuate?*

Note: To help verify the threat of injury, offer the victim should provide a statement describing the circumstances of the threat, e.g. where was the victim, what happened to the victim, etc.

In cases based on “threat of physical injury”, advise the victim that a determination on whether the applicant qualifies will be made on a case-by-case basis.

### **Claims Not Eligible**

If a victim did any of the following, the claim should be denied for involvement in the events leading to the qualifying crime:

- 1) The victim refused to evacuate after being ordered to do so by law enforcement, fire or forestry agency, or other safety official.
- 2) The victim returned to the unsafe location after they were previously ordered to evacuate.

Regulation Section 656.1(2) states that the conduct of the victim was negligent if it placed himself or herself, or another person in a position to be injured or victimized.

### **Penal Code Sections**

The following Sections apply to crimes where a fire is intentionally set:

**P.C. 451.** A person is guilty of arson when he or she willfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels, or procures the burning of, any structure, forest land, or property.

**P.C. 452.** A person is guilty of unlawfully causing a fire when he or she recklessly sets fire to or burns or causes to be burned, any structure, forest land or property.

**P.C. 453.** Every person who possesses, manufactures, or disposes of any flammable, or combustible material or substance, or any incendiary device in an arrangement or preparation, with intent to willfully and maliciously use this material, substance, or device to set fire to or burn any structure, forest land, or property, shall be punished by imprisonment in the state prison, or in a county jail, not exceeding one year.

**Losses Covered:**

- Medical
- Mental health counseling
- Funeral and burial costs
- Income loss only can be paid if a victim is physically injured as a result of the fire.

**Losses Not Covered:**

- Property Loss
- Pain and Suffering
- Relocation expenses should not normally be needed, since relocation expense is for the purpose of the personal safety of the victim, who is presently in no danger. Once a victim is no longer in close proximity to the fire, a victim would no longer be in danger.

**Crime Identifier Code for Southern California Fire Crimes**

The VCP will use “SCF” (Southern California Fires) as the crime code for these claims. Please enter this code in VOX *and* write “SCF” in the space above the “Personal Information” Section at the top of the application. In addition, please write in the name of the fire, if known (see page 4), in the Crime Information Section, next to the Crime Code.

**Processing Notes**

- It may take some time to determine which of the fires were criminally set.
- Some fires may be determined to be criminally set, while others may not.
- SCF claims for employees of District Attorney Offices and Victim Witness Centers should be forwarded to: Sylvia Spencer, VCP Supervisor, at (916) 323-9553.

**VCP Contacts Regarding Southern California Fire Crimes**

Questions or concerns regarding the SCF claims should be directed to the following VCP staff:

- Mary Herald, VCP Program Manager, at (916) 322-0880
- Connie Sexton, Program Analyst, at (916) 324-0007

## *Wildfires In Southern California*

- **CAMP PENDLETON, San Diego County:** No deaths, 9,000 acres. Started Oct. 21 on the Marine base, cause **under investigation**. Contained.
- **CEDAR FIRE, San Diego County:** 10 people dead, 233,192 acres burned, 1,060 homes and 166 outbuildings destroyed. Started Oct. 25, **apparently by lost hunter setting a signal fire**. Air traffic nationwide was disrupted when flames forced evacuation of a Federal Aviation Administration control center. 15 percent contained.
- **DULZURA FIRE, San Diego County:** No deaths, 46,291 acres burned, one home, five outbuildings and 11 structures damaged. Started Oct. 26, **cause under investigation**. Contained. Briefly burned across border into Tijuana, Mexico.
- **\*GRAND PRIX FIRE, San Bernardino County:** No deaths, 50 homes destroyed, 68,463 acres. Started Oct. 21, **suspected arson**. 25 percent contained.
- **MOUNTAIN FIRE, Riverside County:** No deaths, 21 homes destroyed, 9,742 acres. Started Oct. 26, **cause under investigation**. 85 percent contained.
- **OLD FIRE, San Bernardino County:** 4 people killed, 500 homes, 10 commercial buildings destroyed, and 28,204 acres. Started Oct. 25, **suspected arson**. 10 percent contained.
- **PADUA FIRE, Los Angeles County:** No deaths, 59 homes destroyed, 9,446 acres. **\*Separated from Grand Prix** fire in San Bernardino County. 50 percent contained.
- **PARADISE FIRE, San Diego County:** 2 people killed, 50,000 acres, 111 homes and 100 outbuildings destroyed. Started Oct. 26, **cause under investigation**. 20 percent contained.
- **PIRU FIRE, Ventura County:** No deaths, three homes and three outbuildings destroyed, 55,812 acres. Started Oct. 23, **cause under investigation**. 20 percent contained.
- **SIMI VALLEY, Ventura and Los Angeles counties:** No deaths, 16 homes and 64 outbuildings destroyed, 102,089 acres. Started Oct. 25, **cause under investigation**. 35 percent contained.
- **VERDALE FIRE, Los Angeles County:** No deaths, 8,680 acres. Started Oct. 24, **suspected arson**. Contained.

## **FOR ASSISTANCE ON ... CALL**

### **Agricultural Aid**

USDA Farm Service Agency  
USDA Rural Development Office

Call Local County Office  
Call Local Office

### **Board of Equalization**

Website: [www.boe.ca.gov](http://www.boe.ca.gov) or Call:

1-800-400-7115

### **Contractors State License Board**

Hotline M-F 8am -3pm  
24 Hour Automated Line

1-800-962-1125  
1-800-321-2752

### **Crisis Counseling**

Mental Health

Call Local County Mental Health Office

### **Emergency Needs Referrals**

American Red Cross

1-866-GETINFO (1-866-438-4636)

### **Insurance Information**

Insurance Commissioner  
Within CA Call  
Outside CA Call

1-800-927-4357  
1-213-897-8921

### **SBA Disaster Loans**

U.S. Small Business Administration

1-800-488-5323

### **Social Security**

Social Security Administration

1-800-772-1213

### **Tax Assistance**

Internal Revenue  
TTY- Hearing Impaired  
Franchise Tax Board  
TTY- Hearing Impaired

1-800-829-1040  
1-800-829-4059  
1-800-852-5711  
1-800-822-6268

### **Unemployment Insurance**

Employment Development Dept.

1-800-300-5616 – English  
1-800-326-8937 – Spanish  
1-800-547-3506 – Cantonese  
1-800-547-2058 – Vietnamese  
1-800-250-3913 – outside CA  
1-800-815-9387 - TTY

### **Veterans Assistance**

1-800-827-1000 – VA  
1-800-952-5626 - CALVET